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GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

In reply, please refer to:
EMD/CWB

02036EMK.16

February 19, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7003 1680 0004 4223 0037

The Honorable Ford N. Fuchigami
Director
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813

Dear Mr. Fuchigami:

**Subject: National Pollutant Discharge Elimination System (NPDES)
Department of Transportation
Municipal Separate Storm Sewer System (MS4)
Consent Decree Rolling Audit Provision
Consent Decree Docket No. 1:14-CW-00408-JMS-KSC**

The Department of Health (DOH), Clean Water Branch (CWB), received your draft Hawaii Department of Transportation (HDOT) MS4 Audit Work Plan dated May 19, 2015. The DOH-CWB staff reviewed the draft work plan and met with your Office of Environmental Compliance Manager, Ms. Anna Fernandez, to briefly discuss the task. Overall, the draft work plan does not provide the level of detail necessary for the DOH to approve of the plan. Below, the DOH-CWB has provided general comments on the organization of the work plan and key elements which will need to be developed in a detailed revision of the work plan. The DOH-CWB staff is prepared to fully develop the work plan along with Ms. Anna Fernandez now that she has been retained and is prepared to commence the rolling audits.

Organization of the work plan

The purpose of the rolling audit is to provide the HDOT with a comparative analysis of the MS4 programs implemented by HDOT's three (3) divisions, Highways, Airports and Harbors. The expected output of the rolling audit provision is a report with specific recommendations on how best practices can be shared across the three (3) divisions, what legal barriers (if any) prevent compliance and critical steps necessary to improve the efficiency and compliance of HDOT's pollution prevention programs.

Given the purpose of the rolling audits, the work plan must clearly detail the method/process by which each of the HDOT's pollution prevention programs will be analyzed. The work plan must also include details such as timeframes for the audits and a dedicated process for how recommendations will be vetted. Below is a brief summary of how the HDOT consultant may proceed with the auditing.

Audit Process

- 1) Review NPDES program requirements;
- 2) Review current HDOT water pollution program plans (e.g. SWMPs);
- 3) Interview program staff in each of the HDOT divisions to determine:
 - a. The workflow for each regulated activity;
 - b. How familiar HDOT staff is with regulated requirements;
 - c. How any standards (design standards/practices, if any) are applied;
 - d. How activities are recorded; and,
 - e. How long term sustainability (operation and maintenance) is prescribed and tracked.
- 4) Compile documentation/records associated with any processes identified in Item 2 above;
- 5) Evaluate legal authority to implement program;
- 6) Analyze current work flow process;
- 7) Determine whether the current activities comply with the NPDES permit obligations;
- 8) Determine whether work flow is sustainable and efficient;
- 9) Identify any strengths or weaknesses of current activities/processes; and,
- 10) Prescribe specific tasks to improve the HDOT performance at the audited activity.

If an audit process such as the one above is desired, the work plan must also identify the specific staff person(s) needed to complete interviews, key elements of each NPDES regulated activity and note which specific program activities will be audited. Finally, the work plan must clearly define the deliverable that is expected from the auditor.

The DOH recognizes that due to timelines defined in the Consent Decree, HDOT may have difficulty meeting required audit provision milestones. Please have your staff contact the DOH-CWB when they are ready to begin working on a more detailed audit work plan. DOH-CWB, Enforcement Section staff have been directed to support your efforts.

The Honorable Ford N. Fuchigami
February 19, 2016
Page 3

02036EMK.16

Should you have any questions, please contact Mr. Matthew Kurano of the Enforcement Section, CWB, at (808) 586-4309.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alec Wong".

ALEC WONG, P.E., CHIEF
Clean Water Branch

MK:bk

c: Mr. Edward Bohlen, Deputy Attorney General, Department of the Attorney General